
1990s

The Gavel

1995

1995 Vol. 43 No. 4

Cleveland-Marshall College of Law

Follow this and additional works at: https://engagedscholarship.csuohio.edu/lawpublications_gavel1990s

How does access to this work benefit you? Let us know!

Recommended Citation

Cleveland-Marshall College of Law, "1995 Vol. 43 No. 4" (1995). 1990s. 9.
https://engagedscholarship.csuohio.edu/lawpublications_gavel1990s/9

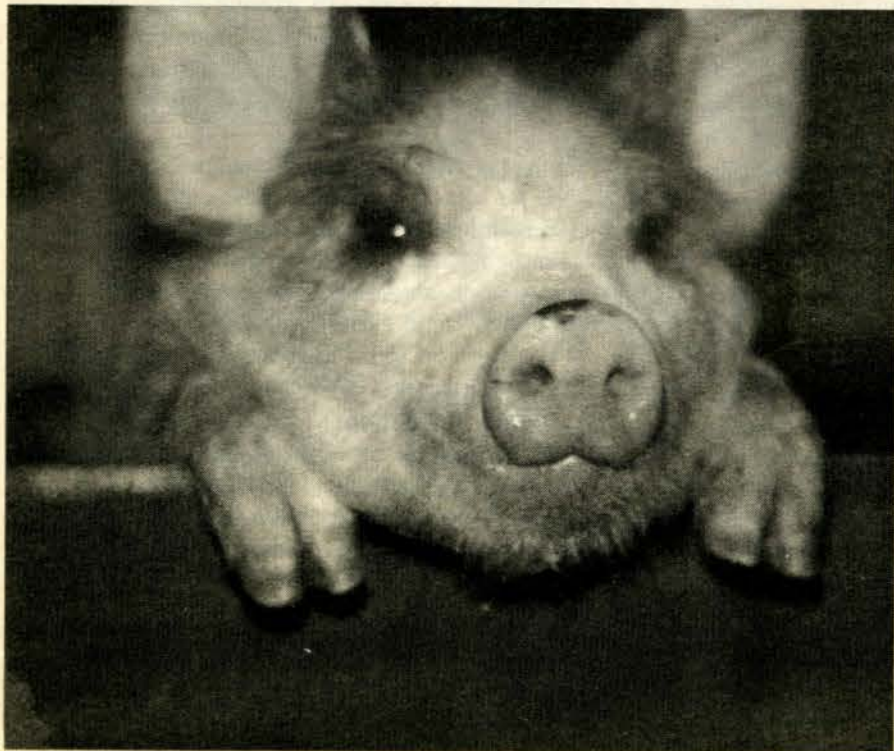
This Book is brought to you for free and open access by the The Gavel at EngagedScholarship@CSU. It has been accepted for inclusion in 1990s by an authorized administrator of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.



THE GAVEL



Volume 43, Issue 4 Cleveland-Marshall College of Law



Now if you had to kiss a pig, could there be a cuter pig to kiss? Prof. Goshien "won" the chance to kiss this one as the result of a SPILO fundraiser.

SBA's "Immunity Day" Opens Can of Worms With Some Professors

by Karen Hamilton, SBA President & Joshua Marks, SBA Senator

When the Student Bar Association held its annual food drive a few years ago, all it received when it emptied its "Food Drive" bins was a few cans and a bunch of trash. This year it received over **450 cans of food** on a single day which the SBA called "Immunity Day."

Although we received praise from many faculty members on the concept of "Immunity Day," we also received several complaints from faculty and students whose professors did not participate in the program. We sincerely thank those students whose generosity contributed to this successful food drive and apologize if you were erroneously misled into thinking that your teacher was participating in this event.

In order to provide an incentive for students to bring in canned food, the SBA came up with the idea of "Immunity Day" in which students could put a can of food on their desks and not be called upon for that particular class. The cans were to be collected after each class and then donated to a local food shelter. The SBA sent out a memo which outlined the idea of Immunity Day and requested teachers' feedback. Several teachers either wrote to or phoned with their affirmative responses. Only four professors responded that they were not interested in participating with the Immunity Day Drive. At this point the SBA made a few mistakes. Not relying on our contracts

See immunity page 7

Elections '94: Is This Contract Voidable?

by Jon Sinclair
Staff Editor

Realignment, reashmignment. The 1994 election was not realignment. It was not a revolution. Nor was it a vote for conservatism. It was just one more example of desperate Americans voting blindly.

Realignment? The party that occupies the White House has lost seats in all but two mid-term elections since the Civil War. The White House has lost Congressional seats in every single mid-term election since 1934. Even Eisenhower? Yup, lost 16 seats in 1954. Nixon? When Watergate was just a gleam in his eye, the Dems picked up 11 in 1970. Reagan? Lost 26 seats in 1982.

Put it in perspective. Mandate? No. Look at the math. Only 38.6% of eligible Americans voted on November Eighth. And 49% of those Congressional votes went to Democrats. A Mandate? If my math is correct, 20% of eligible American voters put Newt Gingrich's platform at the top of the nation's agenda.

But let's be honest, it wasn't 20% of Americans who put Gingrich's platform at the top of the agenda. Gingrich is the result of the tremendous voter turnout by brainRushed radio listeners.

I have a funny feeling these are the same people who said, in a pre-election Newsweek poll, America is still in a recession. Yes, 59% of those who went to the polls, making Mr. Gingrich the Speaker of the House, believe America is still in a recession. And 54% of those polled by Newsweek believe Clinton has not reduced the budget deficit.

Hello? Now, if I couldn't read, I'd probably listen to Rush too, but don't people know America has not been in a recession since the second quarter of 1991? Yep. Believe it or not, Clinton has reduced the budget deficit by \$87 billion. Compare that record to Reagan's. Which one is the 'Big Spender'?

And another thing Bubba. About that simplistic 'two strikes and you're out' initiative you passed in Georgia: will you be paying for those new prisons with cash or credit card? And about the placement of those new prisons: will your own backyard be OK?

On the Serious Side

Election Day was a case of uninformed, impatient America, just trying to put together an efficient and

See Revolution page 7

White House Counsel Spends The Day At C-M

by Robin Wilson
Staff Editor

White House Counsel Abner J. Mikva delivered the Fifty-Eighth Cleveland-Marshall Fund Lecture in the Moot Court Room on November 16th. The lecture entitled "The Treadmill of Criminal Justice Reform" was given before a standing room only crowd of students, faculty members, and members of the community.

Mikva was selected as the Fifty-Eighth Cleveland-Marshall Fund Visiting Scholar prior to his being chosen to be President Clinton's White House Counsel. With this latest appointment, Mikva has served in all three branches of the government. The 1951 graduate of the University of Chicago Law School has served in the Illinois Legislature and the U.S. House of Representatives. Former President Carter appointed Mikva to the U.S. Court of Appeals for the District of Columbia Circuit in 1979, and he became Chief Judge in 1991.

Mikva began his day at C-M speaking to students in Professor Gelman's and Professor Forte's Constitutional Law classes during which he described his recent decision to give up his permanent "judgeship" as giving up "a life estate for a tenancy at will." He told students that he is breaking the number one rule of lawyering: one should never be dependent on one client. "I am," Mikva

said, "the President."

Appropriately, Mikva's address to the students focused primarily on the Constitution. Mikva said that he agrees with Supreme Court Justice Antonin Scalia in that he believes in the plain meaning of the Constitution. "There is damn little in this Constitution that is excess or surplus," Mikva said.

Mikva expressed his strong opposition to hand guns and said he believes that under the first clause of the Second Amendment, it would be constitutional to ban all guns, including hunting rifles. "The Second Amendment is driven by a need for a well fueled militia. Unless you can relate guns to the militia there is no right to bear arms." Mikva said his strong opposition to handguns through the years resulted in strong opposition from the National Rifle Association during his nomination to the federal bench.

Mikva continued his assault on guns during the Noon-time Visiting Scholar Lecture which focused on his ideas for criminal justice reform. Mikva said he is more certain now after 15 years on the bench that the U.S. is moving in the wrong direction in its criminal justice reform effort. "When we move toward vengeance,

See Mikva page 6

How Terms Of Endearment Become Gender Discrimination

by Cheryl Lane
Staff Writer

Are the words 'honey', 'sweetheart', and 'dearie' terms of endearment? It depends on who's making the comment. If it's made by a judge in chambers or in the courtroom, or by opposing counsel, it may be gender discrimination. Whether the remarks are made with paternal motivation or malicious intent, they do not serve to treat the female attorney with the same respect that male attorneys elicit.

When a judge or opposing counsel makes a gender-based remark, facially disparaging or not, the comment focuses attention on the woman's sex and implies that the woman is not worthy of the

same professional respect as the male attorney.

Gender-based remarks, when directed to a female attorney in the capacity of her profession, place the attorney in a precarious position. She can elect to ignore the comment or she may address the situation immediately and directly. If she ignores the comment, the jury or her client may view her as weak-of-character. If she addresses the situation she may be seen as pushy or too sensitive. Keeping in mind that the female attorney, like any attorney, must always do what is in the best interest of the client, she must take a risk no matter how she decides to handle a gender-biased remark. It's a no-

win situation, and one that male attorneys do not have to contend with.

Since women entered the legal profession they have had to deal with bias and adverse reaction to their presence in the courtroom. In 1918, the district attorney in San Francisco attempted to discredit his opponent, Clara Shortridge Foltz, the first woman attorney in California. The district attorney, in his closing argument to the jury stated, "She is a woman, she cannot be expected to reason; God Almighty decreed her limitations." Today, the comments made are seldom so blatant. But however subtle the gender-based remark is, the effect is the same.

If there is any doubt that this situation is real and serious, let me offer a few examples. One New York attorney referred to the opposing counsel during a deposition as "little girl" and "little lady." He made numerous disparaging remarks including, "Tell that little mouse over there to pipe down," and "What do you know, young girl?"

A Washington state judge blew a kiss to a female attorney in the open courtroom. The jury giggled while the attorney stood there in embarrassment. Her client was bewildered. Another New York attorney commented to a female adversary, within earshot of the jury, "Nice perfume." A Michigan judge called a female attorney to his bench for a conference during a trial to ask her for a date.

Some of these comments and behaviors sound innocent enough, but the effect they have is not. The one thread that holds these examples together is that in all cases the female attorney was not being treated with the same respect afforded her male colleagues. These comments remove the focus from where it should be, the fact that she is a professional, and place it where it does not belong, on her gender. Just as it is inappropriate to distinguish a person in the courtroom because of their race, it is inappropriate to distinguish someone because of their gender.

Often gender-bias in the courtroom manifests itself in the manner that female attorneys are addressed. Often the woman is addressed by her first name, or by an endearing term such as "honey" or "young lady" while the male attorney is addressed by his surname. Improper forms of address send a message to those in the courtroom that the woman attorney is to be taken less seriously than her male counterpart.

In an attempt to discourage discrimination in the courtroom, several states, including Ohio, have adopted amendments to their state's Code of Professional Responsibility. Ohio passed the amendment in July of 1994. DR 1-102(b) states, "A lawyer shall not engage, in a professional capacity, in conduct involving discrimination prohibited by law because of race, color, religion, age, gender, sexual orientation, marital status, or disability." The ABA Model Code of Judicial Conduct 3(B)(5) addressed the problem of discrimination by stating, "A judge shall perform judicial duties without bias or prejudice...based on race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court official and others subject to the judge's direction and control to do so."

It is too soon to determine what effect the July amendment to the Ohio Code of Professional Responsibility will have on attorneys' behavior in the courtroom, or how the amendment will be interpreted by the Disciplinary Committee. The New York attorney who referred to his opposing counsel during deposition as "little lady" was sanctioned and ordered by the court to pay the offended attorney \$500. The court stated, "The condemnation of such improper remarks springs from a growing recognition of the seriousness of gender bias, and bias of any kind cannot be permitted to find a safe haven in the practice of law or in the workings of the courts." Indeed it cannot, for not only does the female attorney suffer, but so does her client.

Your opinion may be worth \$1,500.

Entries for the 1994-95 OSBA-sponsored writing competition are now being accepted.

Awards First place: \$1,500 Second place: \$1,000

Answer this question: The Spangenberg report* found that only one of every six low-income Ohioans who has a civil legal problem is able to obtain the assistance of a lawyer. In order to fill this unmet need, should all attorneys be required by the Code of Professional Responsibility to provide a minimum amount of pro bono service to low income clients?

**The Spangenberg report was commissioned by the Ohio State Bar Association, Ohio State Bar Foundation and the Ohio Metropolitan Bar Leaders Conference. The report, prepared by the Spangenberg Group in 1991, studied the legal needs of Ohio's poor.*

Eligibility: All associate student members of the Ohio State Bar Association are eligible to participate. Non-members may apply for membership when submitting an entry by including a completed membership application and dues.

Deadline: All entry forms and essays must be received by the OSBA no later than Jan. 31, 1995. Winning essays will be chosen in March 1995 and will be published in Associate News and may be published in Ohio Lawyer.

Rules: All essays must be the original work of the student. Research is not required, although any quotes must be attributed to the source, either in the body of the essay or as endnotes. Entries must be typed, double-spaced and no longer than five pages. The OSBA reserves the right not to award the scholarship if no suitable essays are received. All entries must be accompanied by this entry form or a copy of it. Essays must answer the above question.

Name _____

Permanent address _____

City _____ State _____ Zip _____

Law school _____

☐ 1st year ☐ 2nd year ☐ 3rd year

School address _____

City _____ State _____ Zip _____

Permanent phone () _____ Other phone () _____

I attest that I am the original author of the essay enclosed for consideration in the OSBA Law Student Writing Competition. I assign all essay rights to the OSBA. The OSBA reserves the right not to award the scholarship if no suitable essays are received.

Essay title _____

Signature _____ Date _____

Send entries to: OSBA Writing Competition, P.O. Box 16562, Columbus, OH 43216-6562. For more information, call 800/282-6556 (487-2050 in Franklin County).



SBA Tackles Parking and Other Problems

by Robin Wilson
Staff Editor

The Student Bar Association is taking an active role in combating three major problems at the School. Earlier this month the S.B.A. circulated a petition regarding the deteriorating coffee shop situation at C-M, and scheduled two days of "Meet the Official" question and answer sessions with police and parking personnel.

Anyone who is not a first year student knows just how much the coffee shop accommodations have deteriorated this year. Even Dean Smith acknowledged at his Coffee Hour with Students earlier this semester just how bad the food service at C-M has become.

Apparently there are a number of reasons for the decline, chief of which is a change in the food service contractors over the summer. Surprisingly, however, the new supplier, Service Master, has dramatically improved the food service at University Center. The food selection is extensive and includes a great coffee shop. University Center is a little more than a block east of C-M on Euclid Avenue.

Fed up with the food situation at C-M, the S.B.A. circulated a petition in late October citing the lack of hot food, the lack of variety, and exorbitant prices. Some 300 students and faculty signed the petition. The S.B.A. petition claimed that Service Master has "breached its duty to the law students in providing food service." The S.B.A. gave Service Master until November 10th to improve the food service at C-M, or else the S.B.A. would look for alternative food choices. Finding an alternative is difficult, however, because the University has an exclusive contract with Service Master.

S.B.A. President Karen Hamilton met with Service Master executives after delivering the petition. In response, Service Master promised to begin providing chili and soup at the coffee shop and to consider the possibility of certain price decreases. As for other types

of hot food, Service Master said health regulations require a three-part sink to be installed. Service Master is considering renovations to the coffee shop, though renovations will probably not happen until spring, according to those at the meeting.

In addition, Service Master offered an S.B.A. student a seat on a future food service committee so that student concerns can be brought to the attention of the company.

Many students participated in S.B.A.'s "Meet the Official" question and answer sessions in early November. Two officers from the Cleveland State University Police Department and Parking Operations Manager John Oden answered questions and concerns from students in the lunchroom. One of the main topics concerned the security of the exit door situated beyond the coffee shop, near the women's bathroom.

The S.B.A. plans to present a resolution to the law school administration in the next couple of weeks regarding the door. "The S.B.A. believes that for the betterment of safety the door should be locked after eight o'clock at night and on the weekends," Hamilton said. C.S.U. Police Detective David Ostroske agrees. He said the door should be permanently locked and not used.

Ostroske said it's "a nightmare waiting to happen." Responding to students who said the door is a convenient way to access Euclid Avenue, he answered, "safety is not always convenient and sometimes it is a downright pain." Ostroske said that all students should remember that this is their building. "Call the police if you see someone in the building who does not belong here."

Ostroske assured students that they can feel reasonably safe in downtown. He said the university is not experiencing a significant amount of crime against

persons, but property crime is a problem. Auto thefts have decreased, Ostroske said, but he notes General Motors' automobiles are still the ones most often stolen. He said more cars are now being broken into for their contents, such as cellular phones, radar detectors, and portable CD and cassette players. He says two university professors have seen their cars broken into this year for the loose change contained in their ashtrays.

Ostroske acknowledged the parking problem at C-M and the distance that some students have to walk to classes. He urged students to use the University's Safety Escort program. He said there are five escorts on duty Monday through Thursday and one on duty Friday, and are now under-utilized. "There is a two minute wait in most cases for an escort," Ostroske said. Escorts are available Monday through Friday from 5:30 to 11:00 p.m., and can be reached at ext. 2020. Ostroske said students should call C.S.U. police before walking alone on weekends. He said there will probably be a longer wait for an officer but he urged students to make the call and be patient.

Ostroske recommends that students carry pepper spray with at least a five percent oleo resin content if they feel they need added protection downtown. He said many drug stores and all police supply stores carry "pepper." Ostroske said the University averages about one homicide a year. Last year, according to him, there were two reported rapes.

Parking Operations Manager John Oden was questioned by frustrated students on what he can do to rectify the parking situation. Many law students expressed concern over the imminent closing off of part of the 18th Street parking lot due to the upcoming 17-18th Street Construction Project. Oden told students he has checked with the city about additional parking spaces but learned "commercial lots are jammed." Oden said there is nothing he can do about the lack of parking but noted that enrollment decreases during the winter months and that may lessen the parking problem. The fact remains, however, that the University has sold more than 10,000 parking passes for 4,400 parking spaces.

Several students expressed frustration over their conversations with Oden. Second year student Linda Silakoski said she felt as though student concerns were met by Oden with an obstinate, "don't bother me" response. "I am helping to pay his salary, so he has a responsibility to listen to what we have to say instead of just saying there is no solution," said Silakoski. Two students said they know of a student who tried to explain to Oden how they handle the parking situation at the University of Buffalo and was met with "an aggressive, non-response." Second year student Melissa Watson said "Why was he here?"

Oden has been responsive when discussing the problem with a Gavel editor. He appears to be well aware of the parking problem, though tired of the futility in trying to rectify it.

Make a Statement...

Write for The Gavel

The Gavel is always seeking interested students, staff, faculty and administrators to contribute to this publication. If you are interested, stop by this office, LB 23, or call 687-4533. Opinion pieces, news articles and cartoons are welcome. Please contact an editor regarding your topic to avoid duplication of efforts.

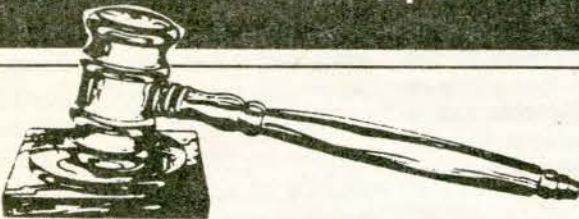
Contributors become staff members after publishing two articles in The Gavel. Staff members are eligible to participate in editor elections at the end of the school year. Three editors are elected, each receiving a full tuition stipend from the University.

The opinions expressed herein are those of the author and not The Gavel. The Gavel is not responsible for article content, including factual errors.

The Verdict
is in and the

NIGHT COURT

has sentenced
BECKY'S to expand its nightly
specials to 7 days a week!



THERE WILL BE NO APPEALS FOR THESE APPEALING SPECIALS!

MON.	Mussels and Beer
TUE.	Little Kings & 10c Wings
WED.	Sam Adams Night
Thu.	\$1.00 Molson
FRI.	Margaritas \$1.50
SAT.	Wicky Wacky Woos
SUN.	Long Island Iced Tea

Plus "Happy Hour" Specials
1762 E. 1118th St.-621-0055

↑ **Over 21 Crowd**



🎵 **Cool Juke Box**


Great Food

Affordable Beer & Liquor

Darts

🎱 **Pool Table**



Becky's

DOWNTOWN

Editorials

It's the Abatements, Stupid

'It's the economy, stupid', was the campaign slogan associated with the 1992 campaign. Now it's the Plain Dealer, avoiding the real issue by writing an editorial that blames the failure of Cleveland's school levy on race and lack of support by both city council members and Mayor White.

Come on, don't be silly PD editors. Prior to election day, most Clevelanders didn't even know about the council members' opposition to the levy, because the PD had pasted the paper for weeks with editorials, articles, and photographs about every politician, bishop, and pastor who supported the levy. There was even an editorial in favor of the levy on the top of page one.

Coverage was clearly slanted and the issues ignored. Why wasn't there a thorough and fair discussion about the tax abatements given to downtown businesses and developers? It was as if the Plain Dealer thought Cleveland voters would forget this issue if the newspaper ignored it.

It's the tax abatements, stupid. People are not going to vote for a school levy until this issue is addressed squarely. An explanation for the abatements must be given. Will the abatements help Cleveland schools in the long run? If yes, explain this to the voters. Explain how schools will realize increased tax revenues in the years ahead - if this is true.

But spare us the line about the school board having no control over the approval of tax abatements. That's like saying Dick Jacobs has no control over public policy because he's not politician. Right.

Don't insult the intelligence of voters by asking them to fork out more property taxes at the same time you publish glamorous promos of costly arenas - facilities financed with the help of property tax abatements.

Bar Passage Party Deserves a Second Look

For three years we learn about the many torts associated with drunk driving. Then we are required to take a class which specifically warns graduating students that those in the legal profession are especially prone to alcohol abuse. Is it not highly ironic that on the day when former students are most likely to abuse alcohol, the school invites brand new attorneys to drive down to school and indulge in a free liquor bar?

Why is it always necessary that someone is seriously injured or killed before institutions re-examine policy? Idea: How about wine and beer only? Or how about discouraging excessive consumption by charging for drinks? If might not hurt anybody to make it safer while also letting SBA raise a little cash.

Alice Ain't No Saint

Dear Editors:

To the casual reader of a recent article in the *Gavel* (Volume 43, Issue 3) titled "Woman Convicted in Kirtland Cult Murders Speaks Out From Prison," Alice Lundgren paints a rather sympathetic picture of women convicts in general and herself in particular. There is more to this, though, than Alice would like to meet the public and judicial eye.

The Lundgren Cult Killings of 1989, riveted the public attention in Lake County for nearly eight months. To those not familiar with the case, the basic facts are these. Alice E. Lundgren, then aged 39, was charged with five counts each of conspiracy and complicity to commit aggravated murder and kidnapping in the slaying of the Dennis Avery family of Madison Township. She was convicted at trial and sentenced to 150 years to life. Two other key players in the grisly murders which claimed the lives of three young children and their parents by gunshot, were Alice's husband Jeffrey D. Lundgren and her 19 year old son Damon Lundgren, both of whom were convicted of murder and sentenced to death and life in prison, respectively.

In her article published in the *Gavel*, Alice asks, "Why do women get more time at parole board hearings...when she has no record of rule infractions, has obtained an education, and has diligently and successfully worked at an institutional job for years?" The answer, Alice, might be inferred from the particulars of your own case.

Deborah Sue Olivarez, one of the witnesses against Alice Lundgren at trial, testified (admittedly by plea bargain) that Alice "told her the day before the murders" that the Avery family was "slated to die," according to published reports in the Lake County *News-Herald*.

"Alice was not a subservient wife and nonentity," according to Olivarez, who is a cousin of Jeffrey D. Lundgren, then Alice's husband (she has since divorced him while in prison) and presently a death-row inmate at Lucasville, "Alice was present at classes when the Avery murder was planned." The "classes" Olivarez is referring to were the misguided and ultimately homicide-producing ones conducted by Jeffrey Lundgren to convince his easily-led "followers" that he was a prophet of God.

The Lundgren's cult resided in a semi-rural setting that could be called a farm, and when her husband left the premises for any reason, "Alice took over," according to Olivarez.

A Kirtland police officer and an FBI agent, who questioned Alice Lundgren after the murder of the Avery family, said she appeared "arrogant" and gave no indication that any crime had occurred, according to reports in the *News-Herald*.

So to answer your question Alice, the reason that the "calm, attentive and well-behaved" women that you are "overwhelmed" by at the Ohio Reformatory for Women at Marysville, "get more time at parole board hearings," is because they have done things such as Deborah Sue Olivarez, the Kirtland police officer, the FBI agent, and the jury that convicted you said that you have done.

Alice also says in her article that she has observed some women in Marysville "convicted solely because they had been unable to stop their husband from committing hideous crimes against their children or other members of society. Her inability to act was equated as consent and compliance, and she was thus held equally responsible for his crime." Those

familiar with testimony at her trial, might wonder if the "women" Alice has encountered at Marysville is not the image she encounters when she looks at herself in the mirror.

In a taped interview immediately after her arrest in San Diego (the Lundgren's not only left Ohio immediately after the killings, but were at large for several months), Alice Lundgren told the FBI that she never went to authorities to report the murders because "I was afraid he'd do it to me too," according to the *News-Herald*, but Alice also said that she was aware that her husband and his accomplices were planning on killing the Avery family.

"I suspected they were [planning to kill the Averys]," Alice said during the questioning by the FBI, "you'd have to be stupid not to know what he [Jeff Lundgren] was up to."

Alice Lundgren could indeed have stopped her husband from "committing hideous crimes" against children and "other members of society," simply by going to the nearest phone booth and telephoning the Kirtland Police as soon as possible after learning of the plot to kill the Averys.

Sharon J. Bluntschly (another who plea bargained), a member of the Lundgren Cult, and one, incidentally, marked like the Averys to be "executed" by Jeff Lundgren, linked Alice directly to the planning of the murders of the five member Avery family, according to published reports at the time of Alice Lundgren's trial. "I was aware they were going to kill the Averys when Alice told me they were going to kill them," said Bluntschly. Bluntschly also stated that Alice Lundgren left the Kirtland farm house the night the Averys were shot, but returned later to help dispose of evidence by burning the Averys personal papers in the fireplace.

Instead of calling the police immediately, or two hours or two days or two weeks or two months later, Alice went with Jeff and the others to retrieve the Avery's belongings which the cult divided up before going to Davis, West Virginia, the first stop on their flight from justice.

The complete story of the Lundgren Cult, including the several voluminous trial transcripts, is a long and detailed one. However, when Alice Lundgren, a convicted conspirator to commit murder, makes statements such as, "When will society hold men solely responsible for their own behavior and not hold a woman responsible for her behavior as well as the male offender's behavior?," one can't help but wonder if she's really saying, "When will society hold men solely responsible for their own behavior, and release women, particularly Alice E. Lundgren, from the responsibility of their own behavior?"

James Joseph March

Editor's Note: The final paragraph of the Alice Lundgren article in the last issue of the *Gavel* to which the above article responds was inadvertently cut off in mid sentence during the printing process. It should have read, "Let my sisters go. Let each be free of the socially imposed responsibility of his crime and only suffer unto her the demands of justice for her behaviors. She and her children have suffered enough. They have paid enough. Our society has paid enough. Let men be held responsible for their own actions and let them pay the full price from now on." The editors apologize.

Letters to The Editors

Not All Out-of-Town Students Are Shunned

Dear Editors:

I read with great interest Susan French-Scaggs' article concerning Cleveland-Marshall's unfair treatment of out-of-town and out-of-state students. Her points are valid, especially when she addresses the summer registration of fall classes and the dormitory situation. Read on if you want to hear another perspective about the out-of-state experience.

I realize that my situation is not completely analogous to Susan's friend's. I am a non-traditional married student. Instead of maintaining a household in my home state to return to for the summer, my family and I permanently relocated to the Cleveland area. I won't have a summer registration or a dorm problem. Yet, Cleveland-Marshall did many things, some big some small, to make my move and my decision to attend C-M that much easier.

Cleveland-Marshall approved my application two days after my file became complete; C-M was the first school to approve me. This fact may seem trivial, but it took on great significance considering I had to make long-range plans in relocating my family. Knowing in the middle of April that we had a "home" for the middle of August brought my family a great deal of security.

In addition to administrative news and material, the school sent out lots of incidental information. One week we received information about housing, and the school put us in contact with some of the private housing associations in the area. We routinely received updates from these associations.

Thinking that we were probably unaware of what there is to do in the Cleveland area, the school sent us many brochures; some gave us a brief history of the city, others told of recreational activities here, and still others directed us to the many night spots and fine restaurants.

The SBA has a liaison program to ease the difficulties out-of-state and out-of-town students might have with their move. Though I did not consult with my contact that much before my move, she has been a source of accurate information regarding student life at C-M, and the Cleveland area.

Dealing with any bureaucracy, even in person, can be irritating. But the Financial Aid Office handled my file efficiently and effectively, even though all correspondence was by phone or mail. They responded to all my questions promptly, accurately, and courteously. When I needed to get an application from a financial institution they were not familiar with, they did the investigation. The Financial Aid Office contacted the bank, found out what I was supposed to do and who to talk to, and relayed that information to me

Letters, continued from page 4

with the bank's toll-free number. My checks were waiting for me when I arrived in town.

To put this in perspective, three weeks after my approval from C-M, a school with a perhaps "national" reputation granted me admission.

Getting information from them was tortuous at best. Their Financial Aid department seemed to be in shambles, giving me inconsistent and misleading information and never responding on time. When I inquired with their housing department about living quarters, they told me to come on in and use a computer system to find suitable off-campus family housing. When I explained that I was several states away, they asked when I would be in the area. Some help they were. I have other more grisly and involved stories about them, but I think you get the picture.

When crunch time came, when a decision had to be made, I chose the school that showed me respect. How could I tell my family I would rather go to a school that treated us like dirt, at one-and-a-half times C-M's out-of-state tuition?

Oh, which reminds me, Cleveland-Marshall showed me several ways to qualify for Ohio residency; starting winter term, I pay in-state tuition.

Ed Palm

Letters to the Editor

Applaud us, amuse us, or argue with us. Drop off your letters to the Editor at the Gavel office in Room 23.

Moot Court Is A Privilege, Not A Right

Dear Editors:

Joshua Mark's recent *Gavel* article entitled "New Moot Court Team Stunned by School Regulations" described five ways for interested students to qualify for interscholastic moot court competitions. Instead of focusing on the positive point that C-M students enjoy numerous opportunities to compete in moot court competitions, the author took issue with the discretion shared by the Dean and the Moot Court faculty advisor to ensure the quality and capabilities of interscholastic moot court competitors. This letter responds to that article.

In this writer's opinion, competing in interscholastic moot court competitions is a privilege to be earned and not an entitlement waiting to be exploited. The *Gavel* article stated that "no student who wishes to compete should be barred by the decision of any one individual." This writer agrees with that position. But responsibility for an act that precludes students from competing in any extra-curricular law school function, including moot court competitions, should be put where it belongs -- with the student.

All C-M students are extended at least two opportunities to join the Moot Court Board of Governors -- first at the conclusion of their first year legal writing program and again through Advanced Brief Writing and the Moot Court spring intramural competition. The Moot Court Board routinely invites between four and six students from the first-year legal writing program to participate as second-year students. This year seven students were accepted. Additional opportunities are created by the size of the Moot Court Board -- comprised of between 16 and 18 members selected from the advanced brief writing spring intramural competition.

Students who wish to compete interscholastically need only capitalize on opportunities which have been available to them since their first day at Cleveland-Marshall. The Moot Court Board offers between 20 and 25 openings for dedicated, interested

individuals to represent the school. Moreover, students are welcome to join the two other student organizations which sponsor moot court competitions exclusively for their members. Students who wish to compete are encouraged and invited to do so. It is unreasonable to suggest, as Mr. Marks did, that students who never pursued opportunities, or who were winnowed out through the Moot Court selection process, have been unfairly denied an educational opportunity. The responsibility to pursue extra-curricular activities, like the responsibility for meeting graduation requirements, rightfully rests with the students.

Mr. Marks incorrectly casts the Moot Court faculty advisor as having "absolute authority to grant or veto a student's petition to participate in [interscholastic] competitions." The academic restriction quoted by Mr. Marks clearly leaves to the Dean and the Moot Court Faculty Advisor joint oversight regarding would-be moot court competitors. Conceivably, the Dean could withhold permission due to lack of funding for student teams. Alternately, and even as the *Gavel* article stated, there is a compelling argument in ensuring that teams to which the law school lends its name and sponsorship meet minimal criteria.

Cleveland-Marshall's Moot Court Board of Governors has participated in interscholastic moot court competitions for over 25 years. During Professor Werber's 15-year tenure as the program's faculty advisor, the college has earned a reputation for top-notch moot court advocacy skills -- both written and oral. Absent some protocol to restrict unprepared students from attending interscholastic competitions, the college risks losing the prestige that the Moot Court Board of Governors has earned it and the entire Moot Court program faces effective evisceration.

Why would a student join the Moot Court Board of Governors if he/she can compete in a moot court competition without the rigors attendant in the Moot Court program? Like other extra-curricular activities, one of the reasons that students join Moot Court is the prestige of belonging to a well-known and respected law school organization. When students attend moot court functions, they are identified with the college, not the individual student. Should ill-prepared students erode the college's hard-earned reputation, the prestige of joining the Board of Governors will likewise erode. These unsavory results are prevented when students are adequately prepared through the Moot Court program.

Another consideration is funding. The Moot Court program is funded largely through the law school budget. The advent of additional moot court competition teams will impact the funds potentially available to the Moot Court Board of Governors

and possibly limit the quality and number of competitions it can attend in the future. There is also the question of whether the Moot Court Board of Governors or a non-board team would attend a given competition. Many competitions restrict entries to one team per college and those reservations are filled on a first-come, first-served basis. Indiscriminately offering interscholastic competitions to all interested students might preclude the Moot Court Board from attending a competition if the student group enrolled itself without the knowledge of the Moot Court faculty advisor.

The article raised concerns about a lack of objective guidelines for evaluating a new team's competition preparedness. The proposed standards are lower by far than those imposed on Moot Court Board members and are derived from the advisor's 15 years of experience with moot court competitions across the country. To ensure that Cleveland-Marshall is competently represented at moot court competitions, Professor Werber proposed that teams be comprised of students who, at a minimum are presently enrolled in advanced brief writing, or are enrolled in the substantive law course relating to the competition. He further suggested that one team member must have completed either advanced brief writing or the competition-related substantive law course.

This writer would have suggested more stringent requirements: (1) that all student competitors have successfully completed advanced brief writing; (2) at least one team member have successfully completed the underlying substantive law course; (3) that a qualified team be formed at the time those students approach the dean and moot court faculty advisor for approval, and (4) that the moot court faculty advisor retain ultimate discretion to withdraw the team from competition if it is not, in the advisor's discretion, adequately prepared to attend competition.

No doubt the *Gavel* article might take issue with these suggestions since they still give one faculty member the discretion to apply subjective criteria to a student's learning experience. The strong interest in protecting the college's reputation and its moot court program, coupled with advance notice of the faculty discretion, justify that criterion. As stated earlier, moot court competition is a privilege to be earned, it should not be lightly regarded otherwise.

Ann Stockmaster



Marino's Haircutting
The Difference... Personal Service

Student Discounts on
Haircuts & Products

Mon - Fri:
9:00 a.m. - 5:00 p.m.
Appointment Appreciated

1818 Euclid Avenue
Cleveland, Ohio 44115
(216) 861-6044

Mikva, continued from page 1

we are less inclined to do something about protection." Mikva said he believes the U.S. is spending too much money on retribution. He thinks the death penalty is a mistake and does not work. Mikva said the death penalty is not a deterrence and he criticized the federal government's sentencing guidelines as nonsense. "Young males in the ghetto don't think they are going to live past 30. They have no fear of prison," Mikva said.

Mikva said U.S. prisons have to do a better job at rehabilitation. They spend too much time teaching prisoners how to do jobs you can only get in prison, like making license plates, and too much time teaching skills for fields that have notoriously high unemployment, according to Mikva. Mikva said he supports indeterminate sentencing. "No one gets out unless he can read and write."

Mikva said the answer to reforming the criminal justice situation is education. "For one-third the cost of keeping someone in jail, we could send him to private school or improve the public schools," said Mikva. Mikva said teachers say they can predict at the third grade level which kids will end up in prison. He said that early intervention is the key.

The Chair of the Cleveland-Marshall Fund Visiting Scholars Program, Professor David Goshien, hosted a luncheon for Mikva after the lecture during which the discussion continued on a more informal level. During lunch, Mikva received an urgent message to call the White House. He excused himself and made the call. When he returned he said that the White House had been beeping him all morning. He laughed and said he has to figure out how to use his beeper. Mikva didn't say what prompted the urgent telephone call.

Proposed Disclosure Amendments to the Ohio Rules Of Criminal Procedure Cause Flak

by Susan French-Scaggs
Staff Writer

Proposed amendments to the Ohio Rules of Criminal Procedure are creating a stir in the criminal law community. The changes require prosecutors to disclose police reports and witness statements prior to trial, without a demand by the defendant, and regardless of whether the witnesses will be testifying at trial.

Carmen Marino of the Cuyahoga County Prosecutor's office says prosecutors across the state will be fighting the adoption of the proposed amendments. The Ohio Prosecuting Attorney's Association is working with legislators to stop these changes. They have enlisted the help of MADD and domestic violence organizations to assist in their campaign.

The main crux of opposition to the proposed amendments come from Criminal Rule 16. Marino says the amendments impose unreasonable time restraints on prosecutors, and believes there should be no mandatory disclosure without first a demand by the defendant. He also feels there should be no disclosure of statements by persons who will not be called as witnesses, and feels disclosure of telephone witnesses or defense witnesses will place them in danger.

Marino says the proposed amendments fly in the face of practices which protect witnesses and victims who have made statements to police. His major concern is in cases of domestic violence when the defendant might want to discover where his wife and children are. Mr. Marino

claims the changes, "will only result in paper chasing and do not provide sufficient protection to sensitive material in police reports." He believes the amendments will fail for these reasons.

Meanwhile, Jerry Emoff, a criminal defense attorney and former public defender is very happy with the proposed amendments. He believes they will ultimately help attorney negotiations and move cases along faster and smoother. He says the trend in Ohio is toward open discovery so attorneys are better prepared to handle their cases more efficiently.

He also makes the point that if there is sensitive information contained in the police reports or witness statements, the prosecutor's are not precluded from seeking a protective order. He doubts a judge would allow disclosure of the whereabouts of a battered wife or abused child. Further, he doubts most defense attorneys would provide such sensitive information to their clients if they thought it would lead to violence.

He points out that federal courts follow laws that require the disclosure to parties of grand jury transcript and prior witness statements prior to the trial. Also, Montgomery County has a very open discovery practice for criminal cases, and they seem to operate fine. Mr. Emoff also believes that in death penalty cases, the entire file should be made available to the defense, including detective notes, coroner's report, etc. Prosecutors are opposed to the new changes simply because useful information will fall into the hands of the defense, says Emoff.

Professor Lloyd Snyder sees

an advantage to setting forth proper procedures for disclosure in criminal cases, which can prevent unnecessary surprises to parties. In fact, it is hard to justify why a defendant in a criminal case should have less of an opportunity to obtain information than he would in a civil case, says Prof. Snyder.

The state has the burden of proving the case, and it should not be a guessing game. The defendant is entitled to know the charges and evidence against him. Prof. Snyder sees no real harm in disclosure of police records or witness statements, as the prosecutor's can still request a protective order when circumstances warrant it.

Yet, he does see a problem if changes make time limits more rigid or if the system for discovery becomes too complex and creates an added reason for appeal.

Professor Jack Guttenberg thinks the proposed amendments are beneficial. He thinks it is ridiculous that prosecutor's don't give witness statements until after witnesses testify. Getting these statements early would aid preparation and allow attorneys to do a better job. If disclosure presents safety concerns, prosecutors can always request a court order to keep the information confidential. Most judges would grant such a request in domestic violence cases.

Since a mechanism already exists to protect potential victims, Prof. Guttenberg says prosecutors' objections are weak. He also believes the changes will aid trial preparation. Ironically, the extra information may convince defendants to start bargaining sooner than they would otherwise, making life easier for prosecutors.

C-M Mentoring Program is Worthwhile

by Stacey McKinley

Even though she is two years younger than I am, she is my mentor. My law school mentor, that is. We met for the first time earlier this month. The few minutes spent filling out a form in August has produced a friend, a guide and, most importantly, a reminder that there is life after law school and that all of this first year work and stress can pay off in the form of a rewarding career.

Among the many handouts I received during orientation was one describing the Cleveland-Marshall Law Alumni Association's Mentor program. The program matches students with established attorneys who volunteer their time. I immediately signed up, hoping to find someone, like me, who worked full time in another field before entering law school. Since I am interested in pursuing a career as a prosecutor, I also hoped to meet someone working in criminal law in Cleveland.

For me the program found a perfect match. My mentor, Rebecca Maleckar, graduated from Cleveland-Marshall in 1991, after working as a school teacher. She is currently an assistant Cuyahoga County Prosecutor who joined the office after working for a large law firm. She re-

assured me that my decision to go to law school was a good one. As she showed me around her office and explained her case load, I could see she truly enjoys her work. Though her days now revolve around the courtroom and plea bargains, she still remembers spending hours in the library and struggling with legal writing assignments.

Over lunch we talked about professors, study aids, summer jobs and how to balance school with a personal life. It was a Friday and the end of a long week. At this point, I needed somebody to tell me that the insecurities I was feeling were normal and that I could get through. I left our meeting feeling very good about my new path in life and I was more determined than ever to pursue a career in criminal law.

The Mentor program began in 1990 through the Alumni Association's Minority Concerns Committee. It was offered school-wide the following year. Alumni Association Executive Director Mary McKenna says this year 55 students were matched up with mentor attorneys.

McKenna says areas of particular interest to students taking part in the program this year are patent, environmental, entertainment and criminal law. Though the program strives to match students with attorneys working in their area of interest,

McKenna says this is not always possible. She urges students who were not matched with an attorney in their area of interest to continue with the program and take advantage of the advice and friendship offered. She also reminds students who have made appointments with their mentors to keep them, or let the mentor know if they are unable to make it.

Organizers emphasize the program is not a vehicle for employment. The true value in the mentor program is in the invaluable guidance that these Cleveland-Marshall graduates are eager to give to those of us just starting out. With work piling up and exams just around the corner, it is great to know that advice and encouragement are just a phone call away. I am thankful that my mentor, and all of those in the program, are willing to share their time and experiences.

Mentors and attorneys will have a chance to meet others in the program at the Alumni Association's holiday reception December 8th. Students who did not sign up for the program but would like to take part will have another chance next year. So far, I have found the program to be a great opportunity and would encourage other students to take advantage of this chance to see what life is like after Cleveland-Marshall.

immunity, from page 1



For those who attended the S.B.A.'s Halloween party on Friday, October 28th, it was a frighteningly good time. Students as well as some professors mixed over cups of "Spider Cider," beer and pizza. There was dancing and lots of great costumes. C-M student Perrin Sah, dressed as Judge Lance Ito, won Best Costume. (Photo by Steve Blount.)

Revolution, continued from page 1

productive legislative body in the only way they know how - by casting a vote for CHANGE. We do it on the second Tuesday of November every two years. And we'll probably continue to do so. It's like eating the same candy bar for two years and then, one day saying 'Gee, what does that candy bar taste like?' Yuck, this Gingrich Bar tastes like ____.

Jokes aside, it is clear fewer and fewer Americans believe voting can make a change at all. In 1960, 62.8% of eligible voters voted in the presidential campaign. In 1964, it went down to 61.9%. In 1968, down to 60.9%. In 1972, down to 55.2%. In 1976, down to 53.5%. In 1980, it went up to 54%. In 1984, down to 53.1%. In 1988, down to 50.1%. In 1992, up to 55.2%, though only 38.6% voted this November. We can only hope there will be CHANGE, because historically, bad things happen when citizens of a nation lose faith in their government.

Will Term Limits prevent CHANGE?

Bob Dole, the next majority leader, has 25 years in office. Jesse Helms, 21 years in Washington. Strom Thurmond, my personal favorite: 40 years in D.C. And don't forget Mr. Contract himself, Mr. Gingrich, 16 years in Washington, D.C. Let's see, that's 102 years between these men. Shazaam, that's a century.

Will Limbaughtics spare some CHANGE? "Stand back, cause all hell's going to break loose", said James Carville after the election. (Democratic campaign advisor) Ready for some CHANGE in abortion rights? Hint: Gag Rule. Hint: 54% of women voted Democratic in Congressional races this November. Crime? Where do people go if they're kicked prematurely off of public assistance. And you think crime is bad now.

Hold on tight and buckle up. America voted to let the Republicans have a try. Let's hope they are productive, America has lost its patience.

and torts lessons which taught us that silence is not to be construed as an acceptance, the SBA figured that professors would naturally be eager to participate in this gesture of goodwill to the community. This assumption was our first mistake. Our second mistake was not advertising sooner that Immunity Day was sponsored by the SBA and that individuals should check if their professors were participating in the immunity program. Within an hour of being informed of these inadequacies, we immediately posted notices on every sign indicating our mistake. While these little pink notes ostensibly alleviated our second mistake, our first assumption appears to warrant future consideration.

Since this program was successful in meeting our goal of providing food for local charities, should the SBA plan to do it again next year? Those professors who did not participate in Immunity Day did not do so for a variety of reasons. Some felt that rewarding students for doing charity

is, at best, a dubious concept. Another professor incredulously asked how the SBA could promote class unpreparedness under the guise of charity. These points are valid and insightful, and should be considered along with other pertinent factors. It is said that charity should be done for charity's sake and not for some reward. While we cannot disagree with this statement, we think, by looking at the four huge boxes piled high with cans bound for the needy, that attempts should be made to sustain Immunity Day in the future.

The SBA would like to give special thanks to Professor Barnhizer who contributed a can of food for each can his students donated, Professor Hoke who got every student to bring in a can for her class, and Professors Werber and Pyle, who extended the Immunity Day food drive to other days when their classes met.

Faculty News

Linda L. Ammons published an article, "Discretionary Justice: A Legal and Policy Analysis of a Governor's Use of the Clemency Power in the Cases of Incarcerated Battered Women," in the Journal of Law and Public Policy (1994). Professor Ammons also participated on a four-member panel, "Abuse and Domestic Violence: What We All Should Know," which discussed various aspects of domestic violence and rape prevention issues. Professor Ammons also participated in an on campus colloquium on Scholarship and Research, which was sponsored by the College of Education, on November 4.

In April, **Earl. M. Curry, Jr.**, assumed the Chair of Region 9 (which covers the states of Ohio and Kentucky) of the National Academy of Arbitrators. The Federal Mediation and Conciliation Service appointed Professor Curry, along with Professor Steven Briggs of Depaul University School of Business and Phylliss Florman, Esq., (Chair) of Louisville, to serve as a neutral factfinder in a dispute between the U.S. Postal Service and the Fraternal Order of Police. The factfinding was held in Washington, D.C., July 7-10, and mediation was held in Columbus on July 21-23. On August 17, President Van Ummersen appointed Professor Curry to the Advisory Committee to the CSU Labor and Management Relations Center.

Andrea L. Johnson published an article, "Legal and Regulatory Issues Confronting Cities in Developing an Interconnected Fiber Optic Network: The San Diego Model," in Rutgers Computer and Technology Law Journal (Spring 1994).

Dr. W. Dennis Keating (Associate Dean, Urban Affairs) published two book reviews in Shelterforce, "The Housing Affordability Crisis: Progressive Responses" and "Social Housing: National and Local Movements: (1994)" Two other book reviews, "Urban Politics: The City Liberal, Progressive and Conservative" in Urban Affairs Quarterly and "Progressive Politics and Equity Planning: Municipal Economic Development and Housing" in the Journal of American Planning Association (1994), and an article, "Progressive Housing Struggles", in the Journal of Planning, Education and Research (Winter 1993).

Dean Steven R. Smith published an article on "The Legal Liabilities of Mental Health Institutions" in Administration and Policy in Mental Health (May 1994).

Sole-Practitioners are Their Own Boss

by Susan French-Scaggs
Staff Writer

Gone are the days where all young attorneys strive to become partners in large law firms. Today, the trend in general is toward self-employment and independence.

One of the ways sole-practitioners survive in the business world is through an office sharing arrangement. Some office buildings lease extra space for use as an office and secretarial area. The rates are very reasonable and usually include shared amenities such as libraries, conference rooms and a reception area. Other options include receptionist services, furniture, telephones, photocopier, fax machine, etc. Secretarial services are sometimes available for hire in the building.

Joan Kodish is a sole-practitioner in an office sharing arrangement. Her main area of practice is bankruptcy and she represents both creditors and debtors, with some institutional clients.

She earned her J.D. at the University of Akron in 2 1/2 years. She was inspired by one of her professors to become a labor lawyer. Her first job was with a 25-30 attorney labor law firm that represented various unions and teachers associations. She was thrown into a large bankruptcy case by chance, and although she didn't take a bankruptcy course in law school, she enjoyed the work.

Years later she began to work with another attorney and they formed a partnership. The partnership lasted about two years before Joan decided to start her own practice. Although she is also a wife and mother, she has a lucrative bankruptcy practice and keeps two secretaries very busy.

Joan says the good thing about being a sole-practitioner is that you don't have to answer to anyone but yourself. You have to be willing to work harder than ever, but all of the benefits are yours. It is best in terms of quality of life because there is no one telling you when you can or can't take time off and you can schedule your work around your own productivity levels. It allows a nice balance between work and personal life.

The down side is that there is no financial security. Her husband's financial support has enabled her to reach this level of independence. Also, scheduling can be a horror story as you discover it is impossible to be in two places at the same time. However, if you have a good reputation in your field, you can solve this problem by developing a close network of friends and colleagues that cover for you. Joan says office sharing is the way to go, and you might even find

you get good referrals from office neighbors.

As advice, Joan says "Remember, no guts -- no glory." But before you strike out on your own, you should have one year's worth of overhead and living expenses in the bank, and a close network of attorneys in your field. If you are willing to work twice as hard and earn less money in the beginning, you should be okay.

Todd Sleggs is also a sole-practitioner in an office sharing arrangement. His practice is in the area of state and local tax and real estate tax law. He earned his J.D. at Case Western Reserve.

His first full-time job after law school was in a Hartford, Connecticut corporate law firm which employed 70+ attorneys. He was only there one year partly because the associates were kept in the dark about firm operation for the 5-7 years that it took to make partner. After working a number of years for a Cleveland firm, Todd decided it was time to try it on his own. After only eight months as a sole-practitioner, Todd employs one paralegal and two part-time secretaries.

As a sole-practitioner, Todd believes that his successes and failures are personal: there is no one to blame for bad outcomes. The good part is you can be as busy as you want. The bad part is that there's no back-up attorneys, so if the practice is not making money, you're not making money.

You also have to wear many different hats. You have to buy computers, shop for insurance, and do many other administrative tasks that are very time consuming. Todd classifies himself as a "grinder" who is very focused and can crank the work out, and believes grinders with good business skills make the best sole-practitioners.

Todd advises at least five years of legal experience in a firm before starting out on your own. As far as how much of a bank roll is needed, he started out with approximately four years worth of living expenses in the bank. He says how much money you will need is directly associated with how many clients you have and how soon you will be collecting fees. Remember, it can be two or more years until a case has concluded and your fee is paid. He highly recommends an office sharing arrangement for sole-practitioners because it requires less start up costs.

Interview With The Vampire... This Interview Was A Sleeper

by Jon Sinclair
Staff Editor

This is the kind of melodramatic movie Snoopy would have written. "It was a dark and stormy night...suddenly, a lawyer appeared on the horizon" and all that other stuff. The first five minutes of Interview With The Vampire will make you cringe as you wade through lines like ... 'I remember it like it was yesterday, the year was 1791'. Snore.

Here's how it goes. Christian Slater, a freelance writer whose intelligence is demonstrated by the fact he interviews a vampire alone in a dark hotel room, is in San Francisco talking to vampire Louis (Brad Pitt). Louis tells him the story of his relationship with Louis' vampire mentor, Lestat (Tom Cruise) and their adopted nine year-old daughter Claudia (Shirley Temple, Jr).

The tale is a horrific one. Essentially, Claudia becomes furious when Lestat makes fun of her haircut, kills him with Louis' help, and the two of them take off on a world-winded search for fellow vampires. They hop on a boat to Paris, where Louis encounters the wrath of the Vampire Actor's Guild.

This union protects its own, and becomes furious when they find out Louis killed a former member, Lestat. To make it worse, Louis refuses to pay his union dues and the Vampire's Guild hunts him down and buries him alive under the goalpost of Notre Dame stadium. Louis is dug out by a defecting Guild member, but not in time to save Claudia, who forgets to pack her sunscreen when she tours a Paris castle with a friend.

Finally, Christian Slater doesn't know when to close his mouth, end the interview, and head for the door. He deserves everything that happens to him on the Golden Gate.

Rating: Vampire - *

Pulp Fiction: Travolta Can Still Boogie

This is what happens when a script writer has a whole bunch of short stories to tell, but he doesn't know how to tie them together. This Tarantino flick is a locomotive that runs you over, backs up, and runs you over again. You're left dazed, somehow laughing at the accidental splatter of someone's brains.

If you ever thought Bruce Willis was a one dimensional actor, this one will change your mind. Samuel Jackson and John Travolta are excellent, and you'll leave the theatre wondering how in the world any director could get Travolta back on the dance floor.

Pulp - ****+

***** - Sure, I'd pay \$6.50

**** - Worth a 3.75 bargain matinee

*** - Worth \$2 on a Tuesday at Cedar-Lee

** - Wait for the video

* - Wait for a friend to rent the video

X - If you get paid and have absolutely nothing else to do

Hot Fields of Law For The Future

by Steve Blount
Staff Writer

What do the oil industry, the aerospace industry, environmental law, and patent law all have in common? They are, or once were, the so-called "hot" fields to be in.

With the exception of the aerospace industry, those fields are also very specialized, and can only absorb a limited number of entry-level workers each year. I was recently told by a patent attorney that Patent law is getting more competitive. Read this

to mean that in time, there is a good chance the field will "cool" off. So far, the only limit to people entering the field of patent law has been that not many people with technical backgrounds decide to go to law school, though this may be changing.

In California, the lay-offs in the aerospace industry have caused many former engineers to seek second careers as patent attorneys, and schools like UCLA have seen an in-

crease in the number of applications from such people.

I'm not sure about environmental law, but the field of environmental engineering is a cold potatoe, which makes me wonder about the former. Although I do know some people are really dedicated to the field and will undoubtedly have great careers in it, I really wonder if there will be enough jobs to go around for all the students you see toting those

green environmental law books around. A couple of years from now is a long way off.

According to the U.S. News and World Report, 70% of last year's Cleveland Marshall law school graduates had jobs within six months of graduation, which paid an average of 40,000 dollars a year. Those aren't bad figures. Glad to hear there are still some "hot" jobs out there.

Housing Law Clinic Students Get Their First Case

by Starr Agle

The Housing Law Clinic is a class available to 3rd year law students through a program jointly sponsored by the Cleveland-Marshall College of Law and The Housing Advocates, Inc. Since 1990 the Clinic has offered legal services to low income clients while offering students a unique opportunity to represent actual clients, from the case intake stage, through discovery, and finally, to the court appearance.

The Housing Advocates, Inc. (HAI), is a not-for-profit, public interest consumer agency whose mission is to promote safe housing at a reasonable cost and to eliminate housing injustices to low income groups. HAI also seeks to inform the public of their fair housing rights.

The Housing Law Clinic is located within the offices of HAI, at the Jeremiah Ensworth House. The building, constructed in 1870 and listed on the National Historic Register, was purchased and rehabilitated by the firm as part of its commitment to the revitalization of Cleveland. Classes are seminar size and are instructed by HAI attorneys, Edward Kramer, Diane Citrino, Tim Obringer and Professors White and Lazarus of the law school faculty.

After students obtain a special certification by the Ohio Supreme Court, they are assigned cases and work closely with HAI attorneys. In weekly meetings, students update the others on the status of their cases and obtain advice on how to handle situations which arise with their clients.

Stacy Zingler, a 3rd year law student in the Clinic, was assigned a landlord/tenant dispute involving both criminal and civil charges. The tenant believed his landlord had slandered him by telling neighbors that he was a drug dealer. He taped a conversation he had with the landlord. The landlord allegedly assaulted the tenant while trying to obtain the tape. Stacy recently attended the pretrial hearing for this case, and will soon be taking the deposition of the landlord.

The staff and students decide as a team which cases to accept on behalf of the Clinic. Cases are selected on the basis of several factors, including precedent setting potential.

As a C-M student, you may enroll in the clinic if you are a third-year student by speaking with Professor Lazarus or Dean White. You can receive anywhere from 2 to 6 academic credit hours while obtaining valuable experience in client counseling, negotiation, and court room appearances.

CSU Has Many Honors and Awards

The following are some "Quick Facts about CSU" which were compiled and published by the Cleveland State University Department of Public Relations and Publications and included in the press release materials for the 17-18th Street Block Project Ground Breaking Ceremony October 6th. Not all of the honors have been reproduced here due to space constraints.

- CSU's Cleveland-Marshall College of Law leads the state in the number of graduates elected or appointed to the Ohio judiciary.
- CSU's Cleveland-Marshall College of Law and The Cleveland Clinic Foundation collaborate on the Medical Institute for Law Faculty, the only program of its kind in the country.
- 97 % of CSU faculty have doctorates or terminal degrees, and include graduates of Ivy League, Big 10 and other prestigious schools.
- Out of 75,000 people, a CSU James J. Nance College of Business Administration student achieved the highest score on the CPA exam.
- CSU has produced 13 Fulbright Scholars since 1985.
- CSU's Maxine Goodman Levin College of Urban Affairs ranks with MIT in the top 10 urban colleges in the U.S.
- CSU's Maxine Goodman Levin College of Urban Affairs received one of President Clinton's first community service grants.
- CSU has been one of the top 100 producers of minority master's degree graduates -- and number one in Ohio.
- CSU's co-op program is one of the 15 largest in the country.
- CSU has been awarded more grants from the U.S. Department of Education's Fund for the Improvement of Postsecondary Education than any other university. Duke ranks second.
- CSU's Department of Communication ranks in the top six for articles published in the area of mass communication and telecommunication. Ohio State ranks 13th, Michigan State ranks 20th, and Cornell ranks 22nd.
- CSU has been one of the top universities in Ohio in graduating Hispanic-Americans with master's degrees in engineering, computer science and math.
- A CSU alumna was named "Outstanding Engineering Student in Ohio" by the Ohio Society of Professional Engineers.
- All CSU biology Ph.D. recipients received post-doctoral fellowships, including placements at Johns Hopkins and Baylor.

Diet? Now's The Time to Try It!

by Eileen Guttman, R.N.
Health Services

At this time of year most of us wouldn't dare set foot on a scale (God forbid) because of the disastrous reading we would probably get! We rationalize as we overindulge over the holidays- "Oh, the extra weight will disappear on its own over time" - but that usually doesn't happen, does it? So, what can you do about it?

You can (gasp! not that 4 letter word again!) diet. Even worse, you can increase your amount of exercise while cutting down your food intake. If you haven't exercised in a while you should consult your doctor, especially if you're over 35.

In order to lose a pound, one needs to either burn up 3500 more calories than you eat or eat 3500 calories less than you burn. Weight loss diets usually range from 1000 to 2000 calories worth of food a day, depending on the size of the individual.

One can determine average calorie requirements per day by using this formula: men- multiply desired weight by 16
women- multiply desired weight by 14
If you use up 500 more calories per day than you take in, you'll lose 1 lb. a week.

The food one eats should come from different food groups. The following daily serving amounts are recommended:

- Milk/Dairy Group 2 servings a day
- Meat/Protein Group 2 servings a day
- Fruit/Vegetable Group 4 or more servings a day
- Bread & Cereal Group 6 or more servings a day

But you want to know - am I really overweight? Do I really need to do this? An estimated 25-30% of adults are overweight. The following scale can help you answer those questions.

Weight Chart							
MEN				WOMEN			
HEIGHT	SMALL FRAME	MEDIUM FRAME	LARGE FRAME	HEIGHT	SMALL FRAME	MEDIUM FRAME	LARGE FRAME
Feet Inches				Feet Inches			
5 2	128-134	131-141	138-150	4 10	102-111	109-121	116-131
5 3	130-136	133-143	140-153	4 11	103-113	111-123	120-134
5 4	132-138	135-145	142-156	5 0	104-115	113-126	122-137
5 5	134-140	137-148	144-160	5 1	106-118	115-129	125-140
5 6	136-142	139-151	146-164	5 2	108-121	116-132	128-143
5 7	138-145	142-154	149-168	5 3	111-124	121-135	131-147
5 8	140-148	145-157	152-172	5 4	114-127	124-138	134-151
5 9	142-151	148-160	155-176	5 5	117-130	127-141	137-155
5 10	144-154	151-163	158-180	5 6	120-133	130-144	140-159
5 11	146-157	154-166	161-184	5 7	123-136	133-147	143-163
6 0	149-160	157-170	164-188	5 8	126-139	136-150	146-167
6 1	152-164	160-174	168-192	5 9	129-142	139-153	149-170
6 2	155-168	164-178	172-197	5 10	132-145	142-156	152-173
6 3	158-172	167-182	176-202	5 11	135-148	145-159	155-176
6 4	162-176	171-187	181-207	6 0	136-151	146-162	158-179
Weights at ages 25-59 based on lowest mortality. Weight in pounds according to frame (in indoor clothing weighing five lbs., shoes with one-inch heels).				Weights at ages 25-59 based on lowest mortality. Weight in pounds according to frame (in indoor clothing weighing three lbs., shoes with one-inch heels).			
Source: The Metropolitan Life Insurance Co.							

We worry about our weight not only because of how our clothes fit but also because being overweight endangers our health. It increases the risk of having high blood pressure, diabetes, cancer, and gall bladder diseases among others.

So, for further information on an individually tailored program, contact Health Services at 687-3649. Diet? Now's the time to try it! Here's to your health.

Feeling Sick? There Is Free Help Available

by Robin Wilson
Staff Editor

There are a lot of people who have come down with a sore throat and a bad cold during the last month. According to health officials, cold and flu season hit earlier than usual this year. Cleveland State University Health Services has seen a number of people with a viral infection this semester. According to its staff, there is little that can be done to cure the virus other than a lot of rest, a proper diet, and lots of liquids.

Until a friend of mine got sick I didn't know that CSU had a health clinic and offered free health services to all students, faculty, and staff. Apparently many other students don't know that either. One C-M student who went to undergraduate school at CSU said, "it is the best kept secret and one of the most worthwhile to know."

You don't have to be covered by the University or student health insurance to qualify for treatment. The clinic, which is staffed by nurse practitioners, registered nurses, and a physician is open to anyone at the University, free of charge. One student who came down with the virus said she called the clinic that morning and had an appointment for that afternoon. She said the clinic was well run and the staff was extremely helpful. While there is no charge for most visits, you may have to pay a minimal amount for medications or laboratory tests. The following are some of the services offered by the clinic:

- Screening Tests for strep throat, blood pressure, pregnancy, vision, TB, HIV, rubella, rubeola, cholesterol, and drugs.
- Medical evaluations and treatment for minor dermatologic problems, STD's, contraception, colds, sore throat, minor injuries, vaginal infections, influenza, and hypertension.
- Education materials are available on smoking, drugs, nutrition, stress, weight control, alcohol, AIDS, cancer STD's, blood pressure, and birth control.

Health Services keeps all records private. They do not become a part of your University records. The clinic which is located in Room #503 at Fenn Tower is open Monday, Wednesday, Thursday, and Friday from 8 a.m. to 5 p.m. and Tuesday from 8 a.m. to 8 p.m. Call 687-3649 for an appointment.

Did You Know That...

by Steve Blount
Staff Writer

- The information contained in all the law books in the library (including those on microfilm) would fill the permanent (hard drive) memory of approximately 1,000 average-sized personal computers.
- Cleveland Marshall is the 38th least expensive law school in the country.
- There are approximately 85,000 bricks in the lobby of the law building.
- The median grade in a 1st year law class is a B-.
- A student owes 20 dollars at graduation for each hour he spent in class.
- There is one student in law school at Cleveland-Marshall for every seven practicing attorneys in Cleveland.
- One out of every 100 people in Cleveland are attorneys compared to three out of every 100 people in Washington D.C.

Disillusioned Dave's "Horror Scope" For December

by David Bentkowski
Staff Writer

VIRGO (Aug. 23 - Sept. 22): I recently rented the movie, "Groundhog Day," and I got to thinking - is this the dumbest holiday or what? The premise of the holiday is that if the groundhog sees his shadow and goes back into his burrow, there would be six more weeks of winter. Could you imagine if the stereotypes from men and women applied to groundhogs? Every time the male groundhog came out in February, he would realize the football season was over, there was no food, and that it was too cold for females to be in bathing suits. What do you think he would do? He would scratch himself, spit, and say, "The hell with this, I'm going back to bed." The female groundhog, however, would come out of her burrow and be panicky as to all she had to do. She would run to have her groundhog haircut and have her groundhog nails manicured. Then, she would run to all the other groundhog burrows to find out all the gossip of the winter. After that, she would run home and wake up everyone else in the family because we all know there is not a female groundhog alive that will let a male groundhog sleep as long as she is working. Are you getting the picture yet? Virgos, be wary of certain holidays.

LIBRA (Sept 23 - Oct.22): And to think all these years I thought Libra was a French way of saying bra. Oh well, what do I know? (Probably as much as most Libras do). I'm not saying Libras are dumb, but I once dated a Libra who asked me how the deer know how to cross the street at the deer crossing sign. Ever a gentleman, I said. "Well, there's a little bunny named Bugs in the woods who tells them where to go." I also warned her not to point a gun in a rabbit hole because bunnies like to bend them so you shoot yourself in the tail. All I could think to myself was, "this girl is lucky she has a cute face." Libras, study as much as you can this month.

SCORPIO (Oct. 23 - Nov. 21): The other day this guy asked me to be a Jehovah's Witness. "Jehovah's Witness," I asked. "I didn't even see the accident." I guess I don't like meeting new people. The worst is when you get a new roommate in the dorm and you try to be nice out of common courtesy and he takes it the wrong way. "Look, Billy, I really don't want to spend Friday night spinning records and playing with your ant farm." Scorpions, keep to yourself -- it helps you avoid conflict.

SAGITTARIUS (Nov. 22 - Dec. 21): On ESPN I watched one of Muhammad Ali's old fights. Whether or not you consider him the greatest boxer of all time (my money is still on the Korean guy Mancini killed or

Grady from Sanford and Son) he certainly was the greatest talker of all time. Being a big-mouth myself, I look at his work with wonder. He truly demonstrated that important lesson - it's not what you do, but how you do it. Sagittarians, practice this lesson.

CAPRICORN (Dec. 22 - Jan. 19): I'm thinking of becoming a TV producer. The first thing I would do is make a new episode of the Bionic woman and Six Million Dollar Man. Yes, it would be the episode where they finally go for a bionic romp in the hay. Could you imagine the special effects? And, for those of you who are really sick, I can have them do a scene with Max, the bionic dog. (If any of you laughed at this last part, you need professional help. God knows I do.) Goats, nothing beats watching old re-runs. Now what time is the Gong Show on?

AQUARIUS (Jan. 20 - Feb. 18): I can't believe it. I just heard that song, "Walking in Memphis" on the radio. Either that guy is clueless, or he has a heck of a buzz. He has been walking in Memphis for a couple of years now. Why not ask some directions? That reminds me - the Israelites followed Moses around in the desert for forty years. Forty years! "Hey, uh, Moses, can we get a look at that map for a second? We're getting kind of hungry" Aquarius, don't follow anyone - be leaders.

PISCES (Feb. 19 - March 20): I hate going to my barber. He's one of those barbers who likes to rest "himself" on your knee while he's cutting your hair. (Ladies, I apologize, but this is a guy joke.) The point is, you should never go someplace where someone makes you feel uncomfortable. If I ever have to go to him again, I am going to pretend I have a nervous twitch in my leg and...OUCH...That'll teach him. Pisces, always practice good, safe grooming.

ARIES (March 21 - April 19): I'll never forget how upset I was when I got a D on a pharmacy final. I knew I shouldn't have copied off that "Grateful Dead" kid. The test was about all the different kind of drugs available. I figured he would know the stuff because he had this cool shirt featuring Scooby-Doo and Shaggy smoking a joint by the Mystery Machine. The shirt said, "Pass Scooby the doobie." How did I know he was high when he took the test. I'll be damned if he's getting that crystal I promised him. Aries, as much as I hate to say it, you're better off doing your own work.

TAURUS (April 20 - May 20): Speaking of Scooby-Doo, did you ever wonder about that show. I say they were a bunch of Grateful Dead or Jimmy Buffett fans touring the country. You

knew they were high all the time. First of all, the dog can talk? Secondly, they were always seeing ghosts. I have news for you - they kept seeing ghosts because they all were on trips. Those weren't Scooby-snacks, they were acid stamps. Also, did you ever notice how Fred and Daphne (the hot one) were never around. I bet Fred was fooling around with her in the back of the van. And Velma - why doesn't she buy contacts already. I'm getting sick of her glasses falling off every show. Taurus, I'll give anyone a buck if you can tell me what "ZOINKS" means.

GEMINI (May 21 - June 20): Today, it took me an hour to find a parking spot. Actually, I found a spot as soon as I got to campus, but as I was pulling in, I hit the car next to me. I certainly couldn't remain parked there - after all, the letters MAZDA from my car were engraved on the car I hit - so I thought it would be best to find another spot. Gemini, if you were parked in Cleveland recently and were hit by a Mazda, I do not own a Mazda. I didn't write this column. There is no one named David Bentkowski. Me no speak English. Etc.

CANCER (June 21 - July 22): My high school sweetheart, Cindi, was a Cancer. (Actually, I don't know if she was a Cancer or not, but you'll never know, so who cares.) She was one of those people who would always shout their order when going through the drive-thru. It was so annoying. She would be like, (shouting) "Did you hear that?" The McDonalds worker would be like, "We heard it in eight counties, ma'am." You know, the more I think about it, I never did like her. (No, I'm not bitter). Cancer, deal with your pain.

LEO (July 23 - Aug. 22): All of those underage drinkers out there should be thankful of one thing - that big, dumb, Prop-48 athletes are bouncers at bars. It's so easy to sneak in if you're underage. Bouncer: "UHH, this says you were born in 1977." Under-age drinker: "Yeah, Biff, Ninety-four minus seventy-seven is twenty one." Bouncer: "UHH, four minus seven, UHH, UHHH, Okay, go on in." Leos, don't rely on dumb bouncers to let you in - join a fraternity.

That's it for now kiddies, we'll be seeing ya.

United Nations Year of the Family 1994

by Marie Rehmar

A reference question the other day prompted me to take another look at a booklet I had used in a library display several years ago. In 1989 the UN Declaration of the Rights of the Child was 30 years old, it was the 10th anniversary of the UN Year of the Child, and there was hope that the UN Convention on the Rights of the Child, ten years in the drafting process, would be adopted.

Searching for pictures of kids in need of some of these critical basics to illustrate the printed materials for that display, I had stopped at the UNICEF store. The lady who helped me was very glad to provide all the pictures I needed, however from our brief discussion I came away with a different approach. Her pictures were of happy, smiling kids from all over the world. She was hoping for others to see and feel what we should all be working toward, for every child in the world, irregardless of where he or she is born. A tall order, but a vision.

Now the UN Year of the Family is drawing to a close. This has been an effort to underscore the importance of the family, whatever the size, shape, or form it takes, as the basic unit of human society, and thus deserving of special attention.

In Cuyahoga County, the Federation for Community Planning took a leadership role in promoting IYF activities. The IYF Steering Committee adopted the following definition of "family" from Family Service America, Inc.: A family consists of two or more people, whether living together or apart, related by blood, marriage, adoption, or commitment to care for one another.

We have seen the results of war and other inhumane conditions in too many places around the globe, as well as troubling times for too many children and families right here in our community. Just as a child's needs aren't able to all be met by that child alone, every family needs an environment in which it can thrive. We can reflect on our "vision" for our environment and consider the similarities shared by others. What do we want for any child and any family, whether our own or on the other side of the world?

"Family Law" can then be viewed as having a very broad mission, as we use any legal or other skills we are developing to help make a difference in the lives of children and families.



BAR REVIEW

30th Consecutive Year • Ohio and MBE Preparation • Howard M. Rossen, Director



***Over 26,000 lawyers
have sworn by it!***

OHIO BAR/BRI • 1370 Ontario Street, Suite 410 • Cleveland, Ohio 44113
216-696-1326

THE GAVEL

Cleveland-Marshall College of Law
Cleveland State University
Cleveland, Ohio 44115
(216) 687-4533

Staff Editors

Les Rockmael
Jon Sinclair
Robin Wilson

Staff Writers

David Bentkowski Steve Blount
Cheryl Lane Josuha Marks
Geoffrey Novak Susan French-Scaggs

Staff Artist

Joshua Marks